

### **REMARKS/ARGUMENTS**

This communication responds to the Office Action dated November 28, 2007. In that Office Action, the Examiner rejected claims 23, 25-33 and 35-42.

In this response, Fig. 2B, the specification, and claims 23, 33 and 40 are amended. No new matter has been added by these modifications.

Reconsideration and withdrawal are requested.

#### **Rejections under 35 U.S.C. §§ 102 and 103**

Claims 23, 25, 29-31, 33, 35 and 39-42 stand rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 3,141,221 to Faulls, Jr. (hereinafter "Faulls"). Claims 26 and 36 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Faulls in view of U.S. Patent Publication No. 2003/0188510 to Vargas. Claims 27-28 and 37-38 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Faulls in view of JP 8-248851 (the Japanese reference). The rejections of the claims are traversed for at least the following reasons.

Each of the independent claims, claims 23, 33 and 40, are amended.

None of the cited references, alone or in combination, disclose or suggest the "indented gripping surfaces" as claimed by independent claims 23, 33 and 40, as amended.

With respect to the cited references, Faulls does not disclose "indented gripping surfaces" that are provided on two sides of each of the first and second lugs. In Faulls, Figs. 2-4 depict stiffening bead 14a, 15a arranged at or at least directly next to the opening of outer member 13. Accordingly, "intended gripping surfaces" are not provided in Faulls at least because "indented gripping surfaces" are not provided between a first ridge and a first lug and between a second ridge and a second lug. Further, Faulls does not suggest that outer member 13 or stiffening bead 14a/15a may have alternate configurations that would result in "indented gripping surfaces" on both sides of the lugs.

Vargas does not disclose “lugs” with “indented gripping surfaces” on two sides of the lugs as claimed by the independent claims. Rather, Vargas discloses elongate planar member 18 in the plane of the closed circumferential portion. *See e.g.*, Fig. 2 of Vargas. This is contrary to the claimed elongate sealing member in which lugs are provided in a plane below the closed circumferential portion, and on two sides of each of the first and second lugs “indented gripping surfaces” are provided. *See e.g.*, Fig. 2b of the pending application. Nor does Vargas provide alternate teachings for providing an indented gripping surface in the manner provided in the independent claims. Therefore, even if Vargas were considered to disclose a handle as provided in claims 26 and 36, there is nothing in Vargas that would lead one to configure the elongated sealing member in the manner claimed in independent claims 23 and 33, from which claims 26 and 36 depend.

The Japanese reference does not disclose “indented gripping surfaces” formed on two sides of the lugs as provided by the independent claims. At Fig. 8 of the Japanese reference, element 71 is provided, which extends into the plane of the closed circumferential portion. This is contrary to the claimed elongate sealing member in which at least the ridges and lugs form “indented gripping surfaces” in a plane below the closed circumferential portion. Further, the Japanese reference does not suggest an alternative to element 71. Thus, even if the Japanese reference discloses a lanyard as provided in claims 27-28 and 37-38, there is nothing in the Japanese reference that would lead one to configure the elongated sealing member in the manner claimed in independent claims 23 and 33, from which claims 27-28 and 37-38 depend.

The combination of Faulls and Vargas or Faulls and the Japanese reference too does not provide one of ordinary skill in the art with an understanding of the claimed invention and the present invention is not obvious over the cited references. Recently, the U.S. Supreme Court indicated:

When it first established the requirement of demonstrating a teaching, suggestion, or motivation to combine known elements in order to show that the combination is obvious, the Court of Customs and Patent Appeals captured a helpful insight. . . . a patent composed of several elements is not proved obvious merely by demonstrating that each of its elements was, independently, known in the prior art. Although common sense directs one to look with care at a patent application that claims as innovation the combination of two known devices according to their established functions, it can be important to identify a reason that would

have prompted a person of ordinary skill in the relevant field to combine the elements in the way the claimed new invention does.

*KSR Int'l Co. v. Teleflex, Inc.*, 127 S.Ct 1727, 1741 (2007). The PTO should provide “an apparent reason to combine the known elements in the fashion claimed” and “this analysis should be made explicit.” *KSR*, 127 S.Ct. at 1741 (emphasis added). In the Office Action none of the cited references provides any teaching for providing “indented gripping surfaces” on two sides of the lugs. Thus, one of skill in the art would not be motivated by the cited references to provide an elongated receiver portion in the way claimed.

In view of the above, reconsideration and withdrawal of the §§ 102 and 103 rejections are requested.

Dependent claims 25-32, 35-39 and 41-42 depend from their respective independent claims and are patentable for the reasons set forth above, and further in view of their additional recitations.

**CONCLUSION**

This application now stands in allowable form and reconsideration and allowance are respectfully requested.

No fee is deemed necessary. The Commissioner is also hereby authorized to charge any fee deficiency or credit any overpayment associated with this paper to Deposit Account No. 04-1420. If a conference with the undersigned would expedite issuing a Notice of Allowance, please contact Bridget Hayden at the number provided below.

Respectfully submitted,

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# APPENDIX